

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

FAUSTINO XAVIER)	
BETANCOURT-COLON)	
)	
Plaintiff)	Civil No.
)	
v.)	
)	
FINE ARTS CINEMA, CORP.; BANCO)	
POPULAR DE PUERTO RICO)	
)	
Defendants)	
)	
)	
)	

NOTICE OF REMOVAL

COME NOW defendants Banco Popular de Puerto Rico (“Banco Popular”) and Fine Arts Cinema, Corp. (“Fine Arts”, and jointly, “Defendants”), through the undersigned counsel, and remove to this Court the case captioned Faustino Xavier Betancourt Colon v. Fine Arts Cinema Corp., et al., Case No. SJ2024CV01616, from the Puerto Rico Court of First Instance, San Juan Superior Part (the “State Court Action”), pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

A. Grounds for Removal: Federal Question Jurisdiction.

1. On February 15, 2024, plaintiff Faustino Xavier Betancourt-Colon (“Plaintiff”) filed the State Court Action against the Defendants claiming violations of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12181 et seq. See Exhibit 1.

2. Because Plaintiff’s claims arise under a federal statute, this Court has original jurisdiction pursuant to 28 U.S.C. § 1331, which provides that “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” Id.; see also Rosselló-González v. Calderón-Serra, 398 F. 3d 1, 10 (1st Cir. 2004) (in

determining whether an action presents a federal question, “a court is to ask whether the Plaintiff’s claim to relief rests upon a federal right, and the court is to look only to Plaintiff’s complaint to find the answer”).

B. The Notice of Removal is Timely and Contains a Complete Copy of the Record.

3. On March 14, 2024, Plaintiff served process on Banco Popular. See Exhibit 2.
4. On March 19, 2024, Plaintiff served process on Fine Arts. See Exhibit 3.¹
5. This Notice of Removal is being filed within the 30-day period afforded by 28 U.S.C. § 1446(b) and is thus timely.
6. In compliance with 28 U.S.C. § 1446(a), Defendants file herewith a copy of all process, pleadings and orders served upon Defendants. Id.; see also Exhibits 1-3.

C. Venue is Proper.

7. Pursuant to 28 U.S.C. §§ 1441(a) and 1391, the U.S. District Court for the District of Puerto Rico is the appropriate district to entertain the removed action. See 28 U.S.C. § 119 (“Puerto Rico constitutes one judicial district.”).

D. Notice to Commonwealth Court.

8. Promptly after the filing of this Notice of Removal, Defendants will provide written notice of the removal to Plaintiff through his attorney of record and will file a copy of this Notice with the Clerk of the Commonwealth Court, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants remove the State Court Action to this Court pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

RESPECTFULLY SUBMITTED.

¹ The summons executed on Fine Arts is being submitted in the Spanish language. Fine Arts will separately file a Motion for Extension of Time to submit the certified English translation.

In San Juan, Puerto Rico, this 15th day of April 2024.

CERTIFICATE OF SERVICE: it is hereby certified that, on this same date, the instant document was electronically filed with the Clerk of the Court using the CM/ECF system which will automatically send notice of such filing to all attorneys of record, and that an additional copy of the same was served by email to counsel for plaintiff, José Vélez Colón (VLG@velezlawgroup.com).

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